



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,125	11/28/2001	Gerald F. McBrearty	AUS9-2001-0372-US1	1470

7590 11/28/2006

Edmond A. DeFrank  
20145 Via Medici  
Northridge, CA 91326

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 09/996,125  
Filing Date: November 28, 2001  
Appellant(s): MCBREARTY ET AL.

**MAILED**

NOV 28 2006

*Technology Center 2100*

\_\_\_\_\_  
Edmond A. DeFrank  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 1, 2006 appealing from the Office action mailed April 11, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

Art Unit: 2145

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,826,593	Acharya et al.	11-2004
6,243,089	Gong	6-2001
2001/0020248	Banga et al.	6-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2145

Claims 1-3, 5, 7-15, 17, 19-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya et al. (U.S. Patent No. 6,826,593) in view of Gong (U.S. Patent No. 6,243,089).

Regarding claims 1, 13 and 23, Acharya disclosed a management process, computer system, and computer-readable medium containing computer executable instructions (hereafter referred to collectively as a process) displaying cache status information about the cached documents when a user digitally points to an address associated with one or more cached documents. [Acharya, column 4, lines 46-63] Acharya disclosed digitally pointing to selected designated portions of the cached document (hyperlink, column 4, line 56) and only loading the designated portion. (column 4, lines 46-63) Acharya failed to disclose indicating percentage of the document that was previously cached.

However, Gong disclosed indicating percentage of the document that was previously cached. [Gong, Figure 4, Figure 5, column 4, lines 18-19]

It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Acharya and Gong for the purpose of showing a user that the page displayed contains old information [has been cached] or new information. [Gong, column 1, lines 52-55]. Acharya gave motivation for the combination by stating that a user is likely to welcome receiving a different version of the file if it can be obtained quickly. [Acharya, column 3, lines 62-65] If a user knew that a document has old information but is substantially cached for quick access, then they would be able to make the decision to get the newer document that would have a longer download time or to get the cached or substantially cached old document that could be retrieved quickly.

In specific regard to claim 13, both Acharya and Gong failed to disclose permanently displaying cache status information and selecting how information is displayed using a dialog box. It would have been further obvious to one of ordinary skill in the art that if information could be displayed by rolling over the address with a mouse, that it could be permanently displayed since HTML browsers allow for both dynamic display of information through mouseovers and through displaying information in many places in a webpage such as a frame, the title bar, etc. It would be even further obvious to one of ordinary skill in the art that since dialog boxes are notoriously well known to select methods of displaying information for

Art Unit: 2145

over twenty years preceding the invention, that a dialog box could be used with the Acharya/Gong combination to allow a user easier control over the program.

Regarding claims 2 and 14, Acharya in view of Gong is applied as in claims 1 and 13. It is inherent that selecting a hyperlink in Acharya involved rolling a cursor over the address to digitally point to the address.

Regarding claims 3 and 15, Acharya disclosed the cache status information includes document availability. [Acharya, column 5, lines 1-5].

Regarding claims 5 and 17, Acharya disclosed the cache status information includes the date the document was cached. [Acharya, column 3, lines 25-29]

Regarding claim 7, Acharya is applied as in claim 1. Acharya further disclosed creating a time stamp associated with the computer system and reporting it as the date the document was cached. [Acharya, column 3, lines 25-29]

Regarding claims 8, 19 and 25, Acharya disclosed the document was a World Wide Web page that is accessed by an Internet browser and the addresses are uniform resource locators pointing to other World Wide Web pages. [Acharya, column 8, lines 58-66]

Regarding claim 9, Acharya disclosed loading the cached documents from a network connection. [Acharya, column 10, lines 4-26]

Regarding claims 10, 20 and 27, Acharya is applied as in claims 1, 13 and 23. Acharya further disclosed providing load options including loading the cached document. [Acharya, column 4, line 64 – column 5, line 5]

Regarding claims 11-12, 21-22, and 28-29, Acharya in view of Gong is applied as in claims 1, 13, and 23. Acharya failed to disclose providing visual indicators showing if the document is partially or fully cached.

However, Gong disclosed a color-coded visual indication that the document is partially or fully cached. [Gong, column 4, lines 1-21]

The motivation for this combination is the same as the motivation used in claims 4 and 16.

Art Unit: 2145

Regarding claim 24, Acharya in view of Gong is applied as in claim 23. Acharya failed to disclose a status bar for displaying the status information when a user digitally rolls a cursor over an address associated with the stored documents.

However, Gong disclosed a status bar to display messages. [Gong, column 3, lines 47-49]

The motivation for this combination is the same as the motivation used in claims 4 and 16.

Claims 6, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya in view of Gong and in further view of Banga et al. (U.S. Pub. No. 2001/0020248).

Regarding claims 6, 18 and 26, Acharya in view of Gong is applied as in claims 1, 13 and 23. Acharya failed to disclose comparing sizes of documents to cached documents.

However, Banga disclosed comparing the difference in a document that has been cached to the size of the actual document. [Banga, page 2, paragraphs 0026-0027]

It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Banga and Acharya in order to report the difference in the cached document and the actual document. [Banga, page 2, paragraph 0026] Acharya gave motivation for the combination by stating users would welcome a smaller version of a file that could be retrieved quickly compared to the full version of a file. [Acharya, column 3, lines 62-65]

#### **(10) Response to Argument**

Applicant is reading elements from the specification into the claims being rejected.

Applicant claimed "allowing the user to digitally point to selected designated portions of the cached document and only loading the designated portions of the cached document." Acharya taught the selection of a hyperlink to load portions of a document. The options for loading the document were shown via a "menu-generation program" which presented "user-selectable options, preferably in the form of hyperlinks." "The menu-generation program is preferably a small program written in the platform-independent Javascript programming language." When the user chose an item off of the Javascript menu in Acharya, the user "digitally pointed to selected designated portions of the cached document and only

Art Unit: 2145

loaded the designated portions of the cached document." Further support for this rationale is found in Acharya, column 9, lines 9-48.

Applicant never claimed loading a cached document without clicking a mouse, as Applicant is apparently arguing.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant made no further arguments.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jeffrey R. Swearingen *JRS*

Conferees:

Jason Cardone

Rupal Dharia

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER